Justice Committee

Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill

Written submission from Supporters Direct Scotland

Officially recognised as the lead supporters group in Scotland by the Scottish Professional Football League (SPFL) and the Scottish Football Association (Scottish FA), Supporters Direct Scotland (SDS) has established a formal means to engage with the game’s key decision makers and represent fans’ views.

This is a response from SDS with data and policy derived from three key avenues. Firstly, our 2017 version of our annual Scottish Football Supporters Survey (referred to as SDS Survey 2017a throughout) which looks at a range of issues such as football and society, supporting Scotland and football development. This survey was completed by 12,547 supporters.

Secondly, responses to the consultation are derived from a more focused survey which focussed solely on Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill. This was completed by 266 supporters in July 2017 (referred to as SDS Survey 2017b throughout).

The final source of response to this consultation is from the organisation’s lines of policy which it has developed over a number of years and through its time working to represent supporters.

1. Do you agree with the proposal in the Bill to repeal the 2012 Act? What are your reasons for coming to this view?

We agree with the proposal in the Bill to repeal the 2012 Act.

We as an organisation have arrived at this view for several reasons from our research.

- 74% of supporters feel that the Bill should be repealed (SDS Survey 2017b).
- 71% of supporters felt that the introduction of the Act has not been effective in preventing unacceptable conduct from supporters.
- 46% of supporters feel that supporters’ behaviours had not improved from the last two seasons whereas only 38% felt there had been an improvement (SDS Survey, 2017a).

Additionally, as an overarching policy, SD Scotland do not believe in any legislation that targets or singles out football supporters which we feel the Act does.

2. Did you support the original legislation?

SD Scotland did not support the original legislation. Additionally, 74% of supporters we asked did not support the original legislation (SDS Survey 2017b).
3. Do you consider that other existing provisions of criminal law are sufficient to prosecute offensive behaviour related to football which leads to public disorder? If so, could you specify the criminal law provisions? Or does repeal of section 1 risk creating a gap in the criminal law?

SDS believe there is sufficient provisions within criminal law to prosecute offensive behaviour related to football. This is based on the following:

- 67% of supporters believe there is currently other sufficient legislation to prosecute offensive behaviour related to football aside from the Act.
- 75% of supporters believe that there are existing forms of criminal law that are sufficient to prosecute intent of causing a person or persons by inciting religious hatred (SDS Survey 2017b).

4. Do you have a view on the focus of section 1 of the 2012 Act, which criminalises behaviour surrounding watching, attending or travelling to or from football matches, which may not be criminalised in other settings?

Again, as an overarching policy, SD Scotland do not believe in any legislation that targets or singles out football supporters (or other sections of society) which we feel the Act does. Additional consultation SD Scotland have undertaken also shows

- 76% of supporters feel that there is no need for legislation which criminalises behaviour attending or travelling to or from football matches, which may not be criminalised in other settings.
- 80% of supporters believe that there should not be any legislation that specifically subjects football and football supporters to legislation - which they wouldn't be subjected to in other walks of society (SDS Survey, 2017b).

5. Do you consider that other existing provisions of criminal law are sufficient to prosecute threats made with the intent of causing a person or persons fear or alarm or inciting religious hatred? If so, could you specify the criminal law provisions? Or does repeal of section 6 risk creating a gap in the criminal law?

SD Scotland do not believe a gap would be created by repealing Section 6 of the Act. This view is formed from the following data:

- 67% of supporters believe there is currently other sufficient legislation to prosecute offensive behaviour related to football aside from the Act (SDS Survey, 2017b).

6. Do you have a view on the proposed transitional arrangements in the Bill: that there should be no further convictions for section 1 and 6 offences from the date on which the repeal of those offences takes effect; and that
the police will cease issuing fixed penalty notices at least from the point at which the Bill is passed?

SD Scotland believe convictions for Sections 1 and 6 of the Bill should stop at the point of the repeal:

- 72% of supporters believe that the Act should be repealed and no further convictions should be made under Sections 1 and 6 (SDS Survey 2017b).

7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?

We believe there is sufficient evidence within the data and feedback we’ve received from supporters to state that the 2012 Act has not been successful in tackling sectarianism. This view is formed from the following data attained:

- 57% of supporters feel that the Act has had no impact in tackling sectarianism. (SDS, 2017b).
- 31% of supporters feel that there has been little impact in tackling sectarianism and only 6% feel that there has been a big impact in tackling sectarianism. (SDS, 2017b).
- Additionally 52% of supporters had been subject to sectarianism in or around football stadia in Scotland in the past 4 seasons (SDS, 2017b).
- Sectarianism is perceived as being the biggest issue (compared to racism, sexism and homophobia) within Scottish football with 82% of supporters suggesting that it is a very serious or serious issue. (SDS Survey, 2017a).
- 82% of supporters believe that more resources are needed to stamp out sectarianism within the Scottish game (SDS Survey, 2017a).

Supporters Direct Scotland
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